IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

Robert Davis,)	C.A. No. 4:05-0320-TLW-TER
)	
Petitioner,)	
)	
VS.)	ORDER
)	
John J. Lamanna, Warden,)	
and the United States of America,)	
)	
Respondents.)	
)	

This action was filed by the petitioner, *pro se*, pursuant to 28 U.S.C. § 2241. (Doc. # 1). The respondents filed a motion to dismiss or, alternatively, for summary judgment on April 11, 2005. (Doc. # 6). As the petitioner was proceeding *pro se*, an Order pursuant to <u>Roseboro v. Garrison</u>, 528 F.2d 309 (4th Cir. 1975) was issued on April 12, 2005 advising the petitioner of the importance of a motion for summary judgment. (Doc. # 7). Petitioner was specifically advised that if he failed to respond adequately, the respondents' motion may be granted, thereby ending his case. <u>Id</u>. Petitioner filed a response on April 25, 2005 (Doc. # 8).

On January 30, 2006, the Magistrate Judge issued an Order directing petitioner to inform the Court within ten (10) days from the date of the Order if he had not been released from custody and for respondents to inform the court within five (5) days if petitioner had been released and their position on how or if the release effected this case. (Doc. # 9) The Order was mailed to FCI Edgefield, the last known address and only address provided by the plaintiff on file with the clerk's office. The Order was returned. On January 31, 2006 respondents submitted a supplemental

motion to dismiss indicating that this petition should be dismissed as moot, as petitioner was

released from federal custody on October 28, 2005. On February 14, 2005, the Magistrate Judge

issued a Report and Recommendation in this case recommending that the that petition be dismissed

as Moot. (Doc. # 13). No objections have been filed.¹

This Court is charged with conducting a de novo review of any portion of the Magistrate

Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in

whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of

objections to the Report and Recommendation of the Magistrate Judge, this Court is not required

to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199

(4th Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the

applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that

the Magistrate Judge's Report is **ACCEPTED** (Doc. #13), and this petition is dismissed as MOOT.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

March 13, 2006

Florence, South Carolina

¹Again, the Court notes that the Report was sent to FCI Edgefield, the last known address and the only address provided by the plaintiff on file with the clerk's office.

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